

**IN AND FOR THE COUNTY OF SNOHOMISH, SUPERIOR COURT,
STATE OF WASHINGTON**

FRAN BUNTING, an individual.

Plaintiff(s),

NO. 22-2-00305-31

**HARBOR FREIGHT TOOLS USA, INC., a
Foreign Corporation.**

COMPLAINT FOR DAMAGES

Defendant(s).

I. PARTIES

1.1 Plaintiff at all times material hereto was residing in Snohomish County, Washington. The plaintiff brings this action individually.

1.2 Upon information and belief Defendant Harbor Freight Tools USA, Inc. is a foreign corporation conducting business in Snohomish County, Washington.

II. VENUE AND JURISDICTION

2.0 Venue is proper in Snohomish County pursuant to RCW 4.12.020.

2.1 The incident giving rise to this complaint occurred in Marysville, Snohomish County, Washington.

2.2 Defendant conducts business in Marysville, Snohomish County, Washington.

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III. STATEMENT OF THE FACTS

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2 3.0 On August 12, 2021, Plaintiff Fran Bunting was shopping at the Harbor Freight
Tools store location in Marysville, Washington.
3

4 3.1 Plaintiff noticed that the floor inside the store was unusually shiny.
5 3.2 Shortly after entering the store, Plaintiff slipped on the floor and fell to the floor.
6 3.3 As a result of falling to the floor, Plaintiff lost consciousness and suffered
7 significant bleeding from his head from a skull fracture.

IV. NEGLIGENCE

9 4.0 On the aforesaid dates and at the aforesaid places, Defendant owed Plaintiff a
10 duty to maintain the premises so as to prevent injury.
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12 4.1 On the aforesaid dates and at the aforesaid places, Defendant failed to exercise
13 reasonable care in maintaining the premises so as to prevent injury.
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15 4.2 That as a direct and proximate result of the aforementioned negligence and
16 failures on the part of defendant, Plaintiff has been injured.
17

V. DAMAGES

18 WHEREFORE, Plaintiff has been severely and permanently injured and damaged. Damages
19 include medical expenses, past and future; severe and permanent impairment of plaintiffs' ability
20 and capacity to enjoy life, past and future; loss of consortium; loss of wages; and impairment of
21 wage earning capacity, all in an amount to be proven at the time of trial as reasonable and proper
22 as determined by a trier of fact. That plaintiffs have incurred costs and attorney fees in
23 prosecuting this action and the defendants should be required to pay the same in accordance with
24 Washington law.
25

VI. LIMITED WAIVER OF PHYSICIAN/PATIENT PRIVILEGE

Pursuant to RCW 5.60.060(4)(b), plaintiff hereby waive sthe physician/patient privilege only insofar as necessary to place any and all alleged damages at issue before the trier of fact at the time of trial, as might be required by statute or amended statute or case law interpreting the statutes of the State of Washington. It should be understood that plaintiff's actions do not constitute a waiver of any of the plaintiff's constitutional rights. The defendants are not to contact any treating physician, past, present, or subsequent, without first notifying counsel for plaintiff so that they might bring the matter to the attention of the Court and seek appropriate relief in terms of imposing limitations and restrictions upon any intent by the defendant to contact past or subsequent treating physicians *ex parte* pursuant to the rule announced in Louden v. Mhyre, 110 Wn.2d 675 (1988), *et seq.*.

DATED this 18th day of January, 2022.

By s/Justin Elsner
Justin Elsner, WSBA #39251
Attorney for Plaintiff